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**MEMO ENDORSED**

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October 3, 2024

**VIA ECF**

Honorable Jessica G. L. Clarke  
United States District Judge  
Southern District of New York  
500 Pearl Street  
New York, New York 10007

**Re: *Celebrity Fund Management LLC v. Humans, Inc. d/b/a FlipFit*, No. 1:24-cv-05282 (JGLC)**

Dear Judge Clarke:

Pursuant to Your Honor's Individual Rules and Practices in Civil Cases Sections 2(a) and 2(e), we write on behalf of Defendant Humans, Inc. d/b/a FlipFit ("Defendant") to respectfully request, jointly with Plaintiff Celebrity Fund Management LLC ("Plaintiff"), an adjournment of the initial pretrial conference currently scheduled for October 15, 2024, to either November 11, 13, or 18, 2024, or another date thereafter convenient for the Court, and an attendant adjournment of the deadline for the parties to file a joint letter and proposed Civil Case Management Plan and Scheduling Order.

Given the status of the case, adjournment of the conference will promote an orderly sequencing of events and a productive conference. Plaintiff filed its original complaint on July 15, 2024. ECF No. 6. Shortly thereafter, the Court scheduled the Initial Pretrial Conference for three months following the filing of the complaint—*i.e.*, October 15, 2024. On August 19, 2024, Defendant filed a motion to dismiss Plaintiff's complaint in its entirety. ECF Nos. 13 and 14. Plaintiff opted to amend its complaint rather than oppose the motion, and following resolution of a filing deficiency concerning that amended complaint through a stipulation between the parties, ECF No. 18, Plaintiff completed the filing of its amended complaint on September 18, 2024, ECF No. 19. Accordingly, Defendant's deadline to move to dismiss (or otherwise respond to) Plaintiff's amended complaint is now October 9, 2024, the day *after* the parties are currently required to file a joint letter and proposed Civil Case Management Plan and Scheduling Order based on the October 15 conference date. ECF No. 7.

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The parties have conferred and respectfully request (i) an adjournment of the Initial Pretrial Conference to November 11, 13, or 18, 2024, or a date thereafter convenient for the Court; and (ii) an attendant adjournment of the submission date for the joint letter and proposed Civil Case Management Plan and Scheduling Order to one week before the new date set by the Court for the conference. Plaintiff reserves all rights to oppose any additional requests for adjournment or any motion by Defendant to stay this case pending the outcome of an anticipated motion to dismiss. This is the first request for adjournment of the Initial Pretrial Conference (and attendant letter and proposed plan and scheduling order), and the parties have no other scheduled appearance before the Court. The requested adjournment will not affect any other scheduled dates in this matter.

Respectfully submitted,

/s/ Meredith M. Shaw

Meredith M. Shaw

*Attorney for Defendant Humans, Inc. d/b/a FlipFit*

cc: All counsel of record (via ECF)

Application GRANTED. The initial pretrial conference previously scheduled for October 15, 2024 is ADJOURNED to **November 25, 2024 at 3:00 p.m.** The joint letter and proposed Civil Case Management Plan, as outlined in ECF No. 7, are due by **November 18, 2024**. Defendant's motion to dismiss at ECF No. 13 is hereby DENIED as moot. The Clerk of Court is directed to terminate ECF Nos. 13 and 20.

SO ORDERED.



JESSICA G. L. CLARKE  
United States District Judge

Dated: October 8, 2024  
New York, New York